IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMM. SUIT NO.27 OF 2004

Hasmukh C.Doshi .. Plaintiff

versus

Indo Tech Engineering Corpn & anr. Defendants

...

Mr.S.Kukreja i/b Ms M.L.Miranda for Plaintiff.

CORAM : D.G. KARNIK, J

DATED : 5th April 2005.

P.C:-

1. Heard learned counsel for the plaintiff. None present for the defendants though served. Affidavit of service is filed on record.

2. Despite service, the defendants have not appeared entitling the plaintiff to a decree under order 37 Rule 2 (3) of the Code of Civil Procedure.

3. I have perused the plaint and the original documents filed on record. Documents are collectively

marked A. For valuable consideration the defendant no. 1 drew a bill of exchange which was accepted by the defendant no.2. The original bill of exchange as also copies of the notice of demand is filed on record. In the absence of appearance of the defendants, the plaintiff is entitled to a decree under order 37 Rule 2 (3) of the Code of Civil Procedure. Hence, I pass the following order :

> " The defendants shall pay to the plaintiff a sum of Rs. 1,39,698/- together with interest at 9 % p.a. from the date of the suit till payment and all costs of the suit. "

D.G.KARNIK, J